

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, }
Plaintiff, }
-vs- }
MANUEL SANDOVAL-SAUCEO, }
Defendant. }
NO. CR-06-2084-WFN-1
ORDER

A first pretrial conference and motion hearing was held July 26, 2006. The Defendant, who is in custody, was present and represented by Kurt Rowland; Assistant United States Attorney Shawn Anderson represented the Government. Pending before the Court were various pretrial motions for discovery and a Motion to Dismiss filed by the Defendant on July 20, 2006.

The Court has reviewed the file and pending motions and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

IT IS ORDERED that:

1. Defendant's Motion to Compel Grand Jury Transcripts, filed July 20, 2006, Ct. Rec. 18, is **GRANTED**. The Government shall prepare and disclose transcripts of the testimony of grand jury witnesses who will be witnesses at trial pursuant to Rule 6(e)(3)(E)(i)(I) of the Federal Rules of Criminal Procedure. The transcripts shall be disclosed no later than **two weeks before trial**.

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1 2. Defendant's Motion to Disclose Evidence Pursuant to Fed. R. Evid. 404 and 609,
2 filed July 20, 2006, **Ct. Rec. 20**, is **GRANTED**.

3 3. Defendant's Motion for Discovery, filed July 20, 2006, **Ct. Rec. 16**, is **DENIED**
4 **AS MOOT**.

5 4. The Court **RESERVES RULING** on Defendant's Motion to Dismiss, filed July 20,
6 2006, **Ct. Rec. 23**. The Government has not had an opportunity to respond to this Motion.

7 (a) The Government's response shall be filed and served no later than **July 28,**
8 **2006**.

9 (b) The Defendant's reply, if any, shall be filed and served no later than **August 4,**
10 **2006**.

11 The Court will take the matter **UNDER ADVISEMENT** and either issue a written
12 order or set the matter for hearing.

13 5. All time from the filing of Defendant's Motion to Dismiss to the date of its
14 disposition will be excluded for speedy trial calculations pursuant to 18 U.S.C.
15 § 3161(h)(1)(F).

16 6. The original trial date of August 21, 2006, is **STRICKEN and RESET to**
17 **September 11, 2006, at 1:00 p.m., in Yakima**, Washington.

18 7. The final pretrial conference of August 21, 2006, is **STRICKEN and RESET to**
19 **September 11, 2006, at 11:00 a.m., in Yakima**, Washington.

20 8. Trial briefs, motions in limine, requested voir dire, witness and exhibit lists, and
21 a set of proposed **JOINT JURY INSTRUCTIONS** shall be filed and served on or before
22 **August 28, 2006**.

23 Jury instructions should only address issues that are unique to this case, and shall
24 include instructions regarding the elements of each claim, any necessary definitions and a
25 proposed verdict form.

26 The Joint Proposed Jury Instructions shall include:

(a) The instructions on which the parties agree; and

(b) Copies of instructions that are disputed (i.e., a copy of each party's proposed instruction upon which they do not agree). All jury instructions from the most recent edition of the Ninth Circuit Manual of Model Jury Instructions may be proposed by the parties. The submission of the Joint Proposed Jury Instructions will satisfy the requirements of Rule 1(c).

On or before **August 28, 2006**, each party shall address any objections they have to instructions proposed by any other party in a memorandum. The parties shall identify the specific portion of any proposed instruction to which they object and shall elaborate the basis for the objection. Objections asserting that an instruction sets forth an incorrect statement of law shall describe the legal authority that supports this objection. Failure to file an objection and supporting argument may be construed as consent to the adoption of an instruction proposed by another party.

The District Court Executive is directed to file this Order and provide copies to counsel.

DATED this 27th day of July, 2006.

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN

SENIOR UNITED STATES DISTRICT JUDGE